

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 9/12/2014
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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

ELIZABETH SANTOS, TUNEKA GREEN, and
MATTHEW MORRIS, on behalf of themselves
and all others similarly situated,

Plaintiffs,

-against-

ERIC GOODE, SEAN MACPHERSON, and
CHELSEA PARK LLC d/b/a The Park,

Defendants.

No. 13-cv-3085 (RJS) (HBP)

**ORDER GRANTING PLAINTIFFS' MOTION FOR CERTIFICATION OF THE
SETTLEMENT CLASS, FINAL APPROVAL OF THE CLASS ACTION
SETTLEMENT, APPROVAL OF THE FLSA SETTLEMENT, AND APPROVAL OF
ATTORNEYS' FEES, REIMBURSEMENT OF EXPENSES, AND SERVICE AWARDS**

This matter came before the Court on Plaintiffs' Motion for Certification of the Settlement Class, Final Approval of Class Settlement, Approval of the FLSA Settlement, and Approval of Attorneys' Fees, Reimbursement of Expenses, and Service Awards ("Motion for Final Approval"). Defendants agreed, for settlement purposes only, not to oppose the motion.

1. For the reasons stated on the record at the fairness hearing conducted earlier today and based upon the Court's review of the Plaintiffs' Memorandum of Law in Support of their Motion for Final Approval, the Declaration of Rachel Bien, Esq. ("Bien Decl."), and all other papers submitted in connection with Plaintiffs' Motion for Final Approval, the Court grants final approval of the settlement memorialized in the Settlement Agreement and Release ("Settlement Agreement") between Plaintiffs Elizabeth Santos, Tuneka Green, and Matthew Morris (collectively "Plaintiffs"), and Defendants Eric Goode, Sean MacPherson, and Chelsea Park LLC ("the Park") (collectively "Defendants"), attached to the Bien Decl. as Exhibit A, and "so orders" all of its terms.

2. The Court certifies the following class under Fed. R. Civ. P. 23(e) (“Settlement Class”):

All individuals in the Server, Bartender, Cocktail Server, Runner, Barback and/or Busser job classifications who have worked for a period of at least four (4) weeks at The Park at any time between May 7, 2007 and December 31, 2012.

3. Plaintiffs meet all of the requirements for class certification under Federal Rule of Civil Procedure 23(a) and (b)(3).

4. In addition, Plaintiffs’ Counsel also meet the adequacy requirement of Rule 23(a)(4).

5. The Court approves the Fair Labor Standard Act settlement. The settlement is the product of arm’s length negotiations facilitated by Magistrate Judge Pitman involving a *bona fide* dispute.

6. The Court grants Plaintiffs’ Motion for Attorneys’ Fees and awards Class Counsel \$141,666.00, which is one-third of the settlement fund, plus \$2,000 in costs and expenses reasonably expended litigating and resolving the lawsuit. The fee award is justified by the work that Class Counsel did negotiating the settlement and conducting the litigation, the ultimate recovery, and the risk that Class Counsel undertook in bringing the claims.

7. The Court finds reasonable the service awards for Named Plaintiffs Elizabeth Santos, Tuneka Green, and Matthew Morris in the amount of \$10,000 each in recognition of the services they rendered on behalf of the class. These amounts shall be paid from the settlement fund.

8. If no party appeals this Order, the “Effective Date” of the settlement will be 30 days after the Order is entered.

9. If an individual or party appeals this Order, the “Effective Date” of the Settlement will be the day after all appeals are finally resolved.

10. No later than 31 days after the date of this Order, Defendants shall pay the Claims Administrator \$425,000.00 by deposit into the Qualified Settlement Account.

11. The Claims Administrator will disburse settlement checks to Class Members, Court-approved attorneys’ fees and costs, and Court-approved service awards within 15 days after Defendants deposit the settlement fund.

12. The Court will retain jurisdiction over the interpretation and implementation of the Settlement Agreement.

13. The parties shall abide by all terms of the Settlement Agreement.

SO ORDERED.
September 12, 2014

A handwritten signature in black ink, appearing to read 'R. Sullivan', written over a horizontal line.

Richard J. Sullivan
United States District Court